THE HERALD.

SALT LAKE CITY, UTAH.

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HOLD TO YOUR PRICES.

In spite of the cry that the prices of land are too high, being out of all proportion to the actual value of the soil, the owners are asking more and more for their lots. And they are selling them, too, at the increased price. Six months ago when the boomers were crying down the high prices, and saying that the people were simply driving away buyers by asking so much more than the land was worth, THE HERALD advised the owners to hold out for their prices, or charge even more, as it would be a question of only a little time when their terms would be acceded to. How nearly right this paper was then has been demonstrated a hundred times since. Of the many pieces of property which have changed hands more than once within the past six months, every one has been purchased at an advance over what the previous buyer paid, the advance varying all the way from twenty-five to one hundred and fifty per cent. Remember, we do not go back more than six months for the purpose of illustrating that prices were not too high. If one is anxious to learn how much of an advance has been made within the past three years, let him try to purchase a lot that he sold since 1880. In some instances he would have to multiply the dollars he received by ten.

THE HERALD continues to advise the owners of real estate to hold fast to their land until they get all they ask. The top has not yet been reached by a good deal. When keen-witted, far-seeing men are buying acreage in the vicinity at from $800 to $1,500 an acre, the land being regarded as high-priced at $75 an acre two or three years ago, we may be confident that one of these days really astonishing prices will be asked and paid for Salt Lake dirt. The original owners are those we want to see get the advantage of this wonderful and almost unaccountable appreciation of values. It is admitted that the intrinsic worth of much of the land now on the market, and also of much that has been sold, is not equal to the prices asked and paid. But that fact has nothing to do with the case. If only the actual value in dollars were obtainable, few, if any, would sell. Sentiment has been made to largely control prices, and because owners are getting a good deal more than the land is worth to them they are selling. The owner, rather than others, should get the benefit of that sentiment which influences men more than judgment.

Land owners, stick for your prices. There is not the least likelihood of an immediate depression in the real estate market. On the contrary, we may safely count on a considerable advance before there will come a relapse.

THERE comes from Wharton, a town in Texas, the report of the discovery of a spring near that place, the water of which is intoxicating. As the story did not emanate from Cheyenne, and commercial travelers are presumed not to have access to the wires, why should we not believe the tale, and also the accompanying one which says the people in the neighborhood have been on a spree ever since the discovery of the spring? Let us accept the report and add the spring to the other big things belonging to Texas.

THAT DANGEROUS PRECEDENT.

THE HERALD has previously alluded to the action of the court in the matter of NAGLE for the killing of TERRY, it being the action of Judge SAWYER in the United States circuit court of California, and showed that by such action a dangerous precedent was established. We have not, from more recent advices, had occasion to change the opinion then formed, but rather has it been apparent that all the facts calmly and dispassionately considered, go to show that our opinion was not only just and proper, but the only just and proper one that could be arrived at under the circumstances. In this matter this paper does not by any means stand alone: it is supported by great numbers of the best and biggest papers in the land.

In consideration of the peculiar functions which states bear to each other and which all bear to the federal government and vice versa, the question of local jurisdiction in any case of the kind in question becomes an important one. It is, to use the language of a cotemporary, one in which, when a life is at stake or responsibility for taking a life is called into question, one that is fraught with the gravest danger. Whether it shall be regarded as an extension of the power of the United States circuit court over the police jurisdiction of the state of California or any other state, or as an assertion of the personal immunity of federal officers from that jurisdiction, it is none the less dangerous, because a doctrine of that kind once permitted is susceptible of the gravest abuses.

The question as to whether or not NAGLE was justified in shooting to the death a fellow being is not presently to be considered but it is also, and as we look at it, properly held, that it was undoubtedly a case to be determined by a California jury, duly impaneled under the laws of that state. The sophistry of Judge SAWYER, in straining at points for an excuse for the dramatic proceedings before him which culminated in the discharge of the officer is very rarely if at all justified in any quarter. He announced the doctrine that a United States marshal had the right in a court room on the soil of that state to protect from assault the life of a judge, and he finds no disputants. But that is not the question at issue. The shooting of TERRY did not take place in a court room, where the judge was surrounded by the armor of his official position, but in a public railway station, and whether there or elsewhere outside of a tribunal, the humblest and the greatest are supposed to "meet upon the level and part upon the square."

It is further shown that it was not long since clearly laid down by the supreme court of the United States that while certain implied powers must necessarily result to the several departments of the national government from the nature of their institution, the jurisdiction of crimes committed in and against the state is not among the number. In the decision in the celebrated case of HUDSON and GOODWIN, the doctrine is plainly laid down that "to fine for contempt, to imprison for contumacy, to enforce the observance of orders, are powers necessary for the exercise of all other powers without the authority of a statute. But to exercise criminal jurisdiction in common law cases is not within their implied powers, and it is necessary for Congress to make the act a crime, to affix a punishment to it and to declare the court which should have jurisdiction."

This doctrine is found in the Commentaries of Chancellor KENT, and he continues at considerable length in the same strain, always keeping the same doctrine plainly in view, saying among many other pertinent things in this connection, and this as much pointed as anything else, perhaps a great deal more so, that "the mere circumstance that the party injured by the offense under prosecution was an officer of the government of the United States does not give jurisdiction; for neither the constitution nor the judicial acts founded upon it give the federal courts a general jurisdiction in criminal cases affecting the officers of government, as they have in cases affecting public ministers and consuls. Because an officer was appointed under the constitution, that would not of itself render all cases in which they were concerned or might be affected cases arising under the constitution and laws and cognizable by the judiciary. *Such a wide construction would be transferring legislative power to the judiciary and vest it with almost unlimited jurisdiction;* for where is the act that might not, in some manner, be connected with the constitution or laws of the United States."

This comes very near to an exact description of the attitude of Judge SAWYER, and it is suggested by the Philadelphia Times that its possibilities for mischief will be apparent to any one who will consider its application, for an example, in an attempt to extend the federal jurisdiction over elections in the southern states. It would be possible to surround every polling place with deputy marshals who would be entirely beyond the control of law, and who might commit murder or any other crime with impunity, being answerable only to a machine-made circuit judge. It is held, however, as a fortunate thing, that the supreme court has yet to review Judge SAWYER, and it is not considered likely that that august body will reverse its own well-established doctrine. It is pretty well understood that it uniformly and all the time stands in the way of attempts, as in the civil rights bill, to extend the national authority beyond the limits prescribed by the constitution, and it is claimed that it may be relied upon to check this latest attempt to transfer legislative power to the judiciary. It is, however, none the less significant of the growing contempt for constitutional restrictions that is just now properly described as one of the gravest dangers to our political system, and that should call forth the most strenuous resistance.

It needs no ghost to come from the grave nor any other authority beyond the mere facts themselves to tell us how faithfully and truly Judge SAWYER is carrying out the accepted doctrine which, more than any other, marks the distinction between Democracy and Republicanism. The former always favoring and upholding so far as it was permitted to the doctrine of the separate rights of the states and the individual rights of the people of the states, has all along and on many occasions been met by just such revolutionary procedure as that which set an offender against the laws of a state free, without the action of its grand jury or courts; it is able to meet and overcome all such opposition to the rights of the people, and because it is then qualified and willing and always has been so is the principal reason why it has never been entirely vanquished and never can be.

IT IS about time to expose that lie which is going the round of the American newspapers to the effect that an Idaho woman recently gave birth to six children—three girls and three boys. It is a base, ignoble lie, promulgated for the purpose of helping along the statehood movement.

IF THE inventor of the smokeless powder will apply his invention to cigars, the economical will be able to hold their heads aloft with brazen pride while puffing the two for five cal baze leaf.

WE HAVE all had our say against Delaware's whipping post as being behind and against the civilization of the age, and yet it seems to be not altogether an unmixed evil. In speaking of it the other day, Governor BROCK, of that state, said that there was not within its boundaries a single penitentiary. "If a man beats his wife," he said, "or sets fire to a neighbor's barn, or breaks into a house, he isn't shut up with a lot of other criminals, with full time and opportunity to learn all their tricks of devilry that he did not know before. As a preventive of crime the whipping post has a much greater terror than a term in the penitentiary, and I have never known of a man that came back for the second dose. He simply leaves the state. Maybe he goes to New York; I don't know. At any rate he seeks another home, and you may rest assured that if he stays in Delaware he lives a quiet life. To be sure it is a relic of barbarism, but it is our way."

WARNER IS WISE.

AN exchange suggests that "Major WARNER declined the pension commissionership, because he is a candidate for United States Senator and did not want to be handicapped by holding an office." A better and we believe the correct explanation of the declination is that the major did not have the courage to enter a place, the occupant of which will be squeezed and ground as few officials have ever been. TANNER has prepared a most uncomfortable bed for his successor, and one which a wise and sensitive man will not be eager to occupy. To follow in the footsteps of the blathershite ex-commander would be to antagonize the public and invite the application of the executive boot. To pursue a different course and one less liberal towards the hungry claimants of pensions would make the commissioner an object to be kicked by every member of the G. A. R. and at the same time set that partisan political machine against the administration which it had inaugurated.

Major WARNER is more wise than ambitious in this matter. He has some regard for his peace of mind, and a good deal of thought for his political future. It will be a very shrewd man who does not wreck himself in the office referred to.

A PITTSBURG clergyman recently invented an arrangement for enabling deaf people to hear in church. A week ago last Sunday the invention was tried by three very deaf members of the congregation, and all say they heard the sermon distinctly. Large transmitters are fastened just below the upper and inner edge of the pulpit, where the full volume of the preacher's voice strikes them. These transmitters are connected with three tin tubes, which branch out from a main stem, and run to the pews occupied by deaf persons. The tubes come up through the floor and are furnished with ear-trumpets which are easily adjusted to the height and position of the listener. The clergyman is Rev. J. W. Sproull, and his invention is such a success that he proposes to take out a patent for it.

VALE BOULANGER

The French elections which occurred on Sunday are, as the telegraph informs us, very gratifying to the Republican party of France—that division of its people which upholds a republican form of government. It could scarcely be otherwise. The victory in favor of the popular and representative system which now prevails is so great, so unequivocal and so sweeping that surely nothing more in that direction could be desired. All that the administration headed by M. SADI-CARNOT asked for at the hands of the people has been granted, and the land of the Gauls, with its recent civic triumphs the subject of a world's applause, adds another and stronger link to the chain of progressive civilization which binds it to the great and glorious present.

Not the least among the grand achievements of Sunday's battle of ballots is the complete extinguishment of BOULANGER and the cause he has vainly endeavored to propagate. A score or thereabout of men of his following have been chosen to the chamber of deputies, and this is not a showing of sufficient consequence to entitle it to the special designation of being a party. It is rather the last remaining relic of a cause born of a disturbed condition of society, popular among the ignorant masses and only tolerated by the educated and higher classes while it was not understood. To become known was, with it, to become despised; and once despised, there was but one fate in store for it, such as it has at last received—a quietus at the hands of the people.

In an interview, the snuffed-out general tries to assume a cheerful aspect and to make the interviewer believe that the Republican majority, becoming cumbersome it may be by reason of its own strength and altogether dissatisfied with the state of things in general, will yet give way and he be recalled in triumph. The cherishing of such hallucinations by him cannot now do much harm to anyone, except perhaps himself, and he is in a position to elicit neither care nor consideration from any source. That BOULANGER made an admirable war secretary in the French ministry cannot be denied; he should then have been honest, straightforward, patriotic, and, above all, satisfied with what he had till the fates gave him something better. A little brief notoriety turned his head, and from that time on he was a "spoiled man," willing to overturn the state which had made him what he was in order that he might climb to the chief magistracy and by dispensing with the national legislature become virtually a dictator. The good sense and sober judgment of the French people have shown that they not only know how to treat a pretender, but also how to appreciate and maintain the thrice-blessed boon of popular liberty.

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